

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY)	MDL No. 1456
AVERAGE WHOLESALE PRICE)	Master File No. 1:01-CV-12257-PBS
LITIGATION)	Sub Docket No. 1:10-CV-11186-PBS
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THIS DOCUMENT RELATES TO:)	Judge Patti B. Saris
<i>United States ex rel. Ven-A-Care of the Florida</i>)	
<i>Keys</i>)	
<i>v.</i>)	
<i>Baxter Healthcare Corporation and Baxter</i>)	
<i>International Inc.</i>)	

[PROPOSED] SCHEDULING ORDER

October 28, 2010

Saris, U.S.D.J.

WHEREAS, Relator Ven-A-Care of the Florida Keys ("Relator") filed its original complaint on June 23, 1995, and an amended complaint on May 14, 2010 in the U.S. District Court for the Southern District of Florida;

WHEREAS, the amended Complaint was unsealed on May 28, 2010 and assigned Civil Action No. 1:10-cv-21745-ASG;

WHEREAS, the matter was transferred to the District of Massachusetts by the Judicial Panel for Multidistrict Litigation on July 15, 2010 and assigned Case No. 10-cv-11186-PBS;

WHEREAS, that case was consolidated with Case No. 01-cv-12257-PBS (MDL No. 1456) on July 16, 2010;

WHEREAS, counsel for the Relator and counsel for Defendants have begun to discuss the possibility of a resolution of this matter without the need for further litigation;

WHEREAS, on September 29, 2010, this Court approved a proposed scheduling order whereby the parties were to engage in formal mediation prior to October 29, 2010 in an attempt

to resolve this matter and, if not successful, were to file by no later than November 15, 2010, a joint proposed schedule to the Court for motion to dismiss briefing.

WHEREAS, the parties have made some progress toward resolution of this matter and would like to continue to pursue informal resolution at this time.

NOW THEREFORE, it is ORDERED, as follows:

1. Relator and Defendants shall continue to engage in informal mediation prior to December 31, 2010 in an attempt to resolve this matter;
2. All deadlines shall be stayed during the pendency of this mediation period;
3. Should mediation not be successful, the parties will, by no later than January 17, 2011, jointly propose a schedule to the court for motion to dismiss briefing.

So ordered.



Judge Patti B. Saris